

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 September 2011

Public Authority: Stamford Town Council
Address: Town Hall
St Mary's Hill
Stamford
Lincolnshire
PE9 2DR

Decision

1. The complainant requested copies of Stamford Town Council's application form for grant aid assistance.
2. The Commissioner's decision is that Stamford Town Council ('the council') did not deal with the request in accordance with the Freedom of Information Act ('the Act').
3. The Commissioner requires the public authority to either comply with section 1(1) of the Act by either:
 - o confirming whether the requested information is held, and if so, disclosing it to the applicant, or
 - o issuing a valid refusal notice in accordance with section 17.
4. The public authority must take these steps within 35 calendar days of the date of this Decision Notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 15 December 2010 the complainant wrote to the council as follows:

"...we would like to apply to the Town Council for a grant to help with the costs of re-licensing the festival...can you provide me with an application form and any details of conditions that may apply?"

6. On 7 January 2011, the council responded and stated that "...unfortunately, due to the tight budgetary constraints no grant will be available".

Scope of the case

7. The complainant contacted the Commissioner to complain about the way her request for information had been handled.
8. The Commissioner emphasises that his remit is restricted to investigating whether the council has complied with the Act. He cannot investigate or order any steps to be taken regarding the council's own procedures regarding the grant application process.

Reasons for decision

9. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information, and if so, disclose it to the applicant. Alternatively a public authority can issue a refusal notice compliant with section 17. This should cite the specific exemption that the public authority relies upon in refusing a request.
10. In this case the Commissioner understands that the council does not intend to offer any grants of the type identified the complainant. Nonetheless, the complainant has indicated that she wishes to pursue this matter. The Commissioner emphasises that the Act is motive-blind. He therefore requires the council to confirm to the complainant whether it holds an application form or any "details of conditions". If so, it should either disclose the information to the complainant or issue a valid refusal notice.

Right of appeal

11. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

12. If you wish to appeal against a Decision Notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Signed

Andrew White
Group Manager
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Wycliffe House
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Wilmslow
Cheshire
SK9 5AF